

29 August 1963

MEMORANDUM FOR: Assistant Legislative Counsel

SUBJECT: Reply to Inquiry by Congress Regarding the
Dissemination of Information to the Public
and Congress

1. This is in reply to your request for suggestions regarding the Agency reply to Section III of the questionnaire submitted by Chairman Moss of the House Foreign Operations and Government Information Subcommittee to the DCI by letter dated August 8, 1963.

2. It is considered that this Agency is prohibited under Section 6. of the CIA Act of 1949 from replying to Questions A, B and C, which request the numbers of individuals authorized to classify Top Secret, Secret and Confidential. Similarly, it is considered that Section 6. also prohibits CIA from replying to Question D which requests an estimate cost of administering security provisions under Executive Order 10501 during Fiscal Year 1963.

3. In response to Question E, which requests the authority existing other than Executive Order 10501 to designate information not available to the public, the following reply is suggested: "DCID No. 1/7 'Controls for Dissemination and Use of Intelligence and Intelligence Information' sets forth markings for the uniform control and protection of intelligence within the intelligence community. Intelligence material bearing these markings is clearly not authorized for public release, although this prohibition is not specifically stated. Each department and agency within the intelligence community has adopted and implemented these markings within their regulatory

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procedures. DCID No. 1/7 is classified Confidential and cannot be released to Chairman Moss. DCID No. 1/7 was incorporated within the Agency regulations [] which is classified Confidential and similarly, cannot be released.

4. In response to Question F, which requests specific authority permitting the Agency to restrict public access to non-security information, it is considered that Section 102(d)(3) of the National Security Act of 1947 is sufficient authority.

5. In your reply, you may wish to state (as you undoubtedly are aware) that the security standards and programs of CIA probably exceed that of any other agency in Government since CIA is recognized as a prime target of penetration by the opposition. Efforts are continually made to maintain these standards and programs within budgetary considerations and limitations. You may further wish to state that the statutory requirement for the protection of sources and methods is of paramount importance to CIA and this consideration clearly differentiates the security responsibilities of CIA from other agencies.

6. I trust that the above information is sufficient for you to draft a reply to Chairman Moss. I will be glad to furnish any further suggestions or advice you may desire.

RS/
R. L. Bannerman
Director of Security